

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSHUA QUINN,

Plaintiff,

-against-

ANDREW CUOMO, ATTORNEY GENERAL
OF THE STATE OF NEW YORK,

Defendant.

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MATSUMOTO, United States District Judge:

ORDER AND JUDGMENT
10-CV-4198 (KAM)

On September 8, 2010, plaintiff Joshua Quinn, who is currently incarcerated at Rikers Island Correctional Facility, filed this *pro se* action pursuant to 28 U.S.C. § 2403 challenging the New York State Penal laws under which he was indicted. By Memorandum and Order dated October 5, 2010, the court granted plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 and directed him to file, within 30 days, an amended complaint that complies with Rule 8 of the Federal Rules of Civil Procedure. More than 30 days have passed, and plaintiff has not filed an amended complaint. Accordingly, the complaint is dismissed for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b).

ORDERED, ADJUDGED AND DECREED: That the case is dismissed pursuant to 28 U.S.C. § 1915A(b). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/s/
KIYO A. MATSUMOTO
United States District Judge

Dated: Brooklyn, New York
December 7, 2010